

### REMARKS

Claims 1-8, and 17-20 remain in the application. Claims 9-16 and 21 have been cancelled without prejudice. The Applicant submits that the Amendment is supported by the written specification and referenced drawings. The Applicant contends that by the present amendment all bases of objection and rejection have been overcome. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejections.

### SUMMARY OF ACTION FROM THE OFFICE

1. In the Office Action Claims 1-15 and 17-21 are rejected under 35 U.S.C. 112.
2. In the Office Action Claims 1-15 and 17-21 are rejected on the ground of nonstatutory obviousness-type double patenting in regard to U.S. Patent No. 7,100,328.
3. In the Office Action Claims 9, 12, 17, and 21 stand rejected on the ground of nonstatutory obviousness-type double patenting in regard to U.S. Patent No. 7,024,822.
4. In the Office Action Claims 9-15 are rejected under 35 U.S.C. 102(b), as being anticipated by Suman et al. (4,529,157).
5. In the Office Action Claims 9, 12, 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (4,363,191).

### ARGUMENT

The Applicant respectfully traverses the rejections and requests reconsideration based on the enclosed amendments.

1. In the Office Action Claims 1-15 and 17-21 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention..

The claims have been amended to improve clarity. The Applicant respectfully requests reconsideration based on the claim amendments.

2. In the Office Action Claims 1-15 and 17-21 stand rejected on the ground of nonstatutory obviousness-type double patenting in regard to U.S. Patent No. 7,100,328.

In response to the rejection a terminal disclaimer is filed herewith.

**3. In the Office Action Claims 9, 12, 17, and 21 stand rejected on the ground of nonstatutory obviousness-type double patenting in regard to U.S. Patent No. 7, 024,822.**

In response to the rejection a terminal disclaimer is filed herewith.

**4. In the Office Action Claims 9-15 stand rejected under 35 U.S.C 102(b) as being anticipated by Suman et al. (4,529,157).**

The Applicant submits that Suman et al. does not teach a window assembly, but instead teaches a visor. It is also submitted that Suman in no way teaches or suggests an attachment member "attached to the inner surface of a windowpane, the attachment member including: i.) a fixed member including a polymeric member; and ii.) a pivot member, the fixed member and the pivot member coupled at a hinged joint about which the pivot member rotates; and the polymeric member molded about a portion of the pivot member to attach the pivot member to the windowpane, yet allow the windowpane to rotate about the pivot axis", as required by the claimed invention of claim 1..

**5. In the Office Action Claims 9, 12, 13, and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (4,363,191).**

The Applicant submits that Morgan et al. does not teach a window assembly with a jointed hinge, single sided molding, or a flush window design as required by the present claims. Instead Morgan teaches a living hinge which is molded on three sides to hold the living hinge to a windowpane. Because Morgan teaches a living hinge, the design of Morgan is limited as the stresses exerted by the living hinge on the bond at the glass are significant. Furthermore, Morgan fails to teach or suggest "a windowpane having an inner surface; a hinge having a fixed member and a pivot member coupled at a hinge joint, the hinge connected to the windowpane and having a rotational pivot axis; the hinge including a polymeric member molded about a portion of the fixed member to connect the fixed member to one side of the windowpane, the hinge joint formed so as to permit the windowpane to pivot about the pivot axis from a closed position which is substantially flush to the vehicle body to an open position, wherein the pivot member includes a stud, the stud being offset from the rotational pivot axis

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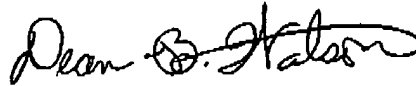
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Because Morgan does not teach each and every element of the claimed invention it does not anticipate the claimed invention. Therefore, the Applicant respectfully requests reconsideration of the present claims.

**CONCLUSION**

The Applicant respectfully submits that all bases for rejection have been overcome by the present amendment. Accordingly, the Applicant respectfully requests reconsideration of the present claims.

Respectfully submitted,



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